



UNITED STATES PATENT AND TRADEMARK OFFICE

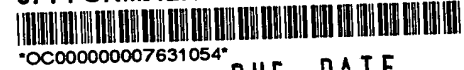
 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/936,921	FIRST NAMED APPLICANT Didier Raoult	ATTY. DOCKET NO. 110530
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INTERNATIONAL APPLICATION NO. PCT/FR00/00754	
I.A. FILING DATE 03/24/2000	PRIORITY DATE 03/26/1999

 Oliff & Berridge  
 P.O. Box 19928  
 Alexandria, VA 22320

 CONFIRMATION NO. 3015  
 371 FORMALITIES LETTER


\*OC000000007631054\*

DUE DATE

Date Mailed: 03/15/2002

 Missing  
 Parts MAY 15 2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

**DOCKETED**  
 By JAT on 3/22/2002  
 and  
 By MOS on 3/22/2002  
 Oliff & Berridge

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- **APPLICANT MUST PROVIDE:**
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 305-3737

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO. 09/936,921	INTERNATIONAL APPLICATION NO. PCT/FR00/00754	ATTY. DOCKET NO.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Didier RAOULT et al.

ATTN: PCT Branch

Application No.: 09/936,921

Docket No.: 110530

Filed: September 24, 2001

For: DIAGNOSIS OF WHIPPLE'S DISEASE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**DECLARATION ALREADY FILED**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

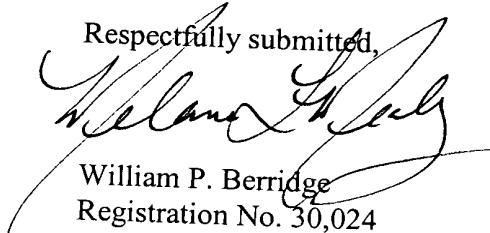
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on March 15, 2002, the executed Declaration of the inventors was filed on September 24, 2001. A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto.

In addition, a Supplemental Preliminary Amendment is hereby concurrently filed. The Supplemental Preliminary Amendment submits a substitute Sequence Listing (paper and computer-readable copies) that complies with the Sequence Listing requirements.

Entry of these documents should complete all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Director is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Melanie L. Mealy  
Registration No. 40,085

WPB:PAC/jca

Attachments:

Copy of Notification of Missing Requirements  
Copy of Executed Declaration  
Copy of Transmittal Letter  
Copy of Date-Stamped Postcard Receipt

Date: May 15, 2002

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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IC20 Rec'd PCT/PTO 15 MAY 2002

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT &amp; TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

ATTORNEY'S NUMBER #7

U.S. APPLICATION NO.  
(if known, sec 37 C.F.R.1.5)  
09/936,921INTERNATIONAL APPLICATION NO.  
PCT/FR00/00754INTERNATIONAL FILING DATE  
March 24, 2000PRIORITY DATE CLAIMED  
March 26, 1999TITLE OF INVENTION  
DIAGNOSIS OF WHIPPLE'S DISEASEAPPLICANT(S) FOR DO/EO/US  
Didier RAOULT et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
- ☒ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ Entitlement to small entity status is hereby asserted.
16. ☒ Other items or information: Response to Notification of Missing Requirements w/Attachments; Sequence Listing (paper and computer-readable copies)

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/936,921		INTERNATIONAL APPLICATION NO. PCT/FR00/00754		ATTORNEY'S DOCKET NUMBER 110530	
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17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO .....\$890.00  International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$710.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,040.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> <tr><td colspan="2" style="height: 100px;"></td></tr> </table>		CALCULATIONS	PTO USE ONLY		
CALCULATIONS	PTO USE ONLY								
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; text-align: center;">\$</td><td style="width:50%;"></td></tr> <tr><td style="width:50%; text-align: center;">\$</td><td style="width:50%;"></td></tr> </table>		\$		\$	
\$									
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Claims	Number Filed	Number Extra	Rate						
Total Claims	- 20 =		X \$ 18.00	\$					
Independent Claims	- 3 =		X \$ 84.00	\$					
Multiple dependent claim(s)(if applicable)			+ \$280.00	\$					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$					
Reduction by 1/2 for filing by small entity, if applicable.				-	\$				
<b>SUBTOTAL =</b>				\$					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				\$					
<b>TOTAL NATIONAL FEE =</b>				\$					
				Amount to be refunded	\$				
				Charged	\$				

a. ☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
 OLIFF & BERRIDGE, PLC  
 P.O. Box 19928  
 Alexandria, Virginia 22320

Date: May 15, 2002

NAME: William P. Berridge  
REGISTRATION NUMBER: 30,024

NAME: Melanie L. Mealy  
REGISTRATION NUMBER: 40,085